UNITED
NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/LBY/2
15 March 1999
ENGLISH
ORIGINAL: ARABIC

COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Second periodic reports of States parties

LIBYAN ARAB JAMAHIRIYA*

* For the initial report submitted by the Government of the Socialist People's Libyan Jamahiriya, see CEDAW/C/LIB/1 and CEDAW/C/LIB/1/Add.1; for its consideration by the Committee, see CEDAW/C/SR.237 and CEDAW/C/SR.240; and Official Records of the General Assembly, Forty-ninth Session, Supplement No. 38 (A/49/38), paras. 126-185.

99-21496 (E)

/...

SECOND PERIODIC REPORT OF THE SOCIALIST PEOPLE'S LIBYAN ARAB JAMAHIRIYA ON THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

PART I

A. Introduction

As a Muslim society, the Libyan Arab Jamahiriya has the Holy Quran as its social code. As such, it is the Islamic faith which defines relationships and establishes rights, duties and the methods of interaction between individuals, both male and female, in every sphere of life.

The religion of Islam prescribes eminent humanitarian principles aimed at liberating the men and women of the human race from all forms of servitude and eliminating any practice involving exploitation, having addressed an all-embracing message to humanity: "Oh humankind! We have created you male and female and have made you nations and tribes that you may come to know one another. The noblest of you in the sight of God is the most pious." The criterion of distinction is therefore piety and not gender, race, colour, descent, lineage or high rank. Islam stands in support of women, proscribing as it does the practice, followed in the eras preceding its advent, of burying newborn girls alive, and further ordaining the provision of a good upbringing and education for girls as a path to heaven. It also prescribes that a woman should have an inheritance portion and the right to choose her husband, retain her name after marriage and receive an exclusive dower. In addition, it accords her the right to enjoy financial independence, dispose of her assets as she wishes and engage in any of the legitimate activities pursued by men during the course of their lives.

Libyan Arab society is a society of freedom and equality in accordance with the third universal theory, a concept (expounded in the Green Book) which advocates the elimination of inequitable social relationships and values and the liberation of the human race from all forms of coercion, injustice and exploitation. It emphasizes the equal political, economic and social rights of men and women and stresses that the sexes are different only in terms of duties, thus preserving the human attributes of women and acknowledging their biological differences with men.

On that basis, the majority of Libyan legislative acts promulgated after the Great Revolution of 1 September are directed at all citizens, irrespective of gender; they prescribe numerous rights to be enjoyed in all fields, without distinction between men and women, in so far as they are fundamental rights that are intrinsic to human beings, both male and female. As a result of these legislative acts, Libyan women now enjoy their human rights in full and are subjected to no factors of discrimination or distinction between them and men.

B. Geographical and demographic features

The Libyan Arab Jamahiriya is situated in the centre of North Africa between parallels of latitude 18° and 23° north, and parallels of longitude 9° and 25° east. It has a northern coastline of 1,900 kilometres with the Mediterranean Sea and is bounded on the east by the Arab Republic of Egypt and the Sudan, on the south by the Republics of Chad and Niger and on the west by the Republics of Tunisia and Algeria.

It is approximately 1,775,500 square kilometres in area and has a population, according to 1997 estimates, of about 4,650,000 persons, of whom 2,360,000 are male and 2,290,000 are female. The population density is 2.6 persons per square kilometre. The results of the 1995 population census showed the following:

- Urban inhabitants represent about 85 per cent of the population and rural inhabitants about 15 per cent;

- The annual population growth rate amounted to 2.9 per cent of the total number of Libyan inhabitants;

- The sex ratio (number of males per 100 females) amounted to 103.2 males, indicating a fall since the 1984 census, when it stood at about 104;

- The average age for a first marriage is about 29 years for females and 33 years for males, a phenomenon attributable to the higher educational standard attained by both sexes as a result of continuing to study through to the higher stages, as well as to the increased rate of participation by women in economic activity and other social and economic factors;

- The number of Libyan inhabitants aged 15 years and over amounted to 2,682,294 persons, of whom 1,375,588 were males and 1,309,409 were females, meaning that the number of inhabitants of working age constitutes 61 per cent of the overall total of inhabitants;

- The average life expectancy at birth is 67 years for females and 65 years for males;

- The average Libyan household has 6.5 members and the number of Libyan households stands at 727,523;

- The mortality rate is 7 per 1,000 inhabitants.

C. Legal framework for application of the provisions of the Convention on the Elimination of All Forms of Discrimination against Women in the light of the Libyan legislative acts in force

On 16 May 1989, the Libyan Arab Jamahiriya acceded to the Convention on the Elimination of All Forms of Discrimination against Women, which entered into force in the country on 15 June 1990. The initial report of the Libyan Arab Jamahiriya on the implementation of the Convention was discussed during the meetings of the thirteenth session of the Committee on the Elimination of Discrimination against Women, held in New York between 1 January and 4 February 1994. Any international convention ratified or acceded to by the Libyan Arab Jamahiriya and published in the Official Gazette becomes binding and its application mandatory in so far as it is internal legislation by which the Chief Justice is bound from the date of its publication in the Official Gazette.

The Convention on the Elimination of All Forms of Discrimination against Women is therefore binding on the Chief Justice and, given that it is part of internal legislation, any interested party has the right to use it in pleading and invoke its provisions before the Libyan judiciary.

At the time of its accession to the Convention on the Elimination of All Forms of Discrimination against Women, the Libyan Arab Jamahiriya expressed a general reservation that such accession should not run counter to the personal status laws derived from the Islamic Shariah.

On 5 July 1995, the Libyan Arab Jamahiriya notified the Secretary-General of the United Nations of its decision to amend its general reservation, expressed at the time of its accession to the Convention, with a view to rendering it more specific by stipulating as follows:

> "The Libyan Arab Jamahiriya declares its accession to the Convention on the Elimination of All Forms of Discrimination against Women adopted by the General Assembly of the United Nations on 18 December 1979, with the following reservation:
>
> 1. Article 2 of the Convention shall be implemented with due regard for the peremptory norms of the Islamic Shariah relating to determination of the inheritance portions of the estate of a deceased person, whether female or male.
>
> 2. The implementation of paragraph 16 (c) and (d) of the Convention shall be without prejudice to any of the rights guaranteed to women by the Islamic Shariah."

It is noteworthy that Libyan legislative acts do not run counter to the provisions of the Convention on the Elimination of All Forms of Discrimination against Women. On the contrary, in most cases, they are fully compatible and consistent with its provisions in both letter and spirit. Indeed, it can be said that Libyan Arab society endeavoured to apply the provisions of the Convention before its entry into force and that it continues to do so, such provisions being stipulated in the national legislation.

D. The sanctions imposed on the Libyan Arab Jamahiriya and their adverse effect on women

Libyan women, who constitute almost half of the inhabitants in Libyan Arab society, suffer flagrant violations of their rights imposed on them by the international community, not because they are female, but because they are an element of Libyan society, the implementation of Security Council resolutions 748 (1992) and 883 (1993) having inflicted extensive damage on the Libyan Arab people and on women in particular as one of the vulnerable groups in society. The Libyan assets which have been frozen for over five years could have made a considerable contribution towards speeding up economic and social development. This unjust embargo and the unfair sanctions have together affected the availability of economic resources. As a result, the allocations and expenditures in connection with developing the national economy have fallen below their pre-embargo levels, leading to poorer economic performance, lower available commodities and services required to meet essential needs and a rise in the price of most commodities and services, producing an inflation rate of over 200 per cent. In addition, the number of job-seekers increased, the unemployment rate rose from below 1 per cent in 1992 to approximately 12 per cent in 1996 and budget expenditures and allocations fell by half and over during the period 1991-1996.

This damage has extended to all aspects of human and social life, particularly in the health and social security sectors, in which connection medical supplies have been substantially affected, as have curative and preventive services. The result has been to thwart the aspirations of the Libyan Arab people, both women and men, aimed at the achievement of greater progress, prosperity and stability and a life of security and peace. These unfair sanctions have resulted in the deaths of 1,245 children and 605 women in childbirth owing to the shortage of essential equipment and spare parts and the lack of resources for maintenance of the equipment and spare parts already in use. As such, the Libyan Arab Jamahiriya has been unable, when need be, to send incurably ill patients abroad for treatment that is not available at home. Moreover, delays are experienced in connection with the importation of medical supplies, particularly vaccines and serums, which constantly need to be maintained at a specific temperature. Due to the aerial embargo, however, the Libyan Arab Jamahiriya is obliged to import such supplies through airports in neighbouring States and bring them into the country by means of long-distance surface transportation under difficult climatic conditions. Supplies consequently perish and delivery is irregular.

On the occasion of this report's submission to this esteemed Committee, Libyan women wish to address an urgent appeal to the international community with a view to the lifting of this embargo and the unfair sanctions unjustly and wrongfully imposed on the Libyan Arab people, causing its men and women to suffer immense losses and material damage amounting to over $23 billion.

PART II

REPLIES TO THE ARTICLES OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Article 1

For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Reply to article 1

Libyan legislative acts explicitly prohibit discrimination on the basis of sex. Article 5 of the Constitutional Declaration promulgated on 11 December 1969 emphasizes that all citizens are equal before the law. Article 21 of the Great Green Charter for Human Rights in the Age of the Masses, which was adopted by the Basic People's Congresses on 12 June 1988, states as follows: "Both men and women in Libyan Arab society are equal in all that is human and a differentiation of rights between men and women is a gross and unwarranted injustice. They affirm that marriage is an equal partnership between two equal parties, neither of whom may marry the other against their will or divorce without mutual agreement or pursuant to a ruling delivered at a fair trial." Article 1 of the Strengthening of Freedom Act No. 20 of 1991 affirms that male and female citizens in the Libyan Arab Jamahiriya are free and equal in rights and that their rights may not be prejudiced.

Libyan legislative acts in connection with labour, public service, education, law, health and social security, as well as those concerning the political, economic, social and other fields of life, guarantee full equality between men and women in the enjoyment of public services and facilities and the appointment to leadership and public offices and posts. They also guarantee such equality in connection with promotions, allowances and any privileges enjoyed by all citizens, without discrimination on the basis of sex.

Article 2

States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:

(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;

(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;

(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;

(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;

(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;

(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;

(g) To repeal all national penal provisions which constitute discrimination against women.

Reply to article 2

The principle of equality between men and women in the Libyan Arab Jamahiriya is embodied in the Holy Quran (the social code), which clearly defines the human relationships that establish rights and duties, together with the methods of interaction between individuals, both male and female, in every sphere of life. It also prescribes various principles aimed at creating a society in which there are no inherent differences and where public and private rights are guaranteed.

The principle of equality is similarly embodied in the Constitutional Declaration promulgated in 1969, which states that "citizens are all equal before the law", as well as in the declaration establishing the people's authority, promulgated on 2 March 1977, which affirms that the people's direct authority is the basis of the political system in the Great Jamahiriya and that the people exercises its authority through the Basic People's Congresses comprising all male and female citizens. Women are thus entitled, through the Basic People's Congress to which they belong, to amend any legislative acts and laws which prejudice their rights.

The principle of equality is additionally embodied in the Great Green Charter for Human Rights in the Age of the Masses and the Strengthening of Freedom Act No. 20 of 1991 (as previously stated in the reply to art. 1).

Most Libyan legislative acts are directed at all citizens, irrespective of their sex, and prescribe the body of rights which they enjoy in the political, functional, economic, social, cultural, health and educational fields, without discrimination between men and women, being fundamental rights that are intrinsic to human beings, whether male or female.

Not content with simply establishing the principle of equality between men and women, the Libyan legislator also set forth various measures guaranteeing practical realization of that principle with a view to ensuring the effective

legal protection of women's rights on an equal footing with men. Accordingly, he granted all individuals, both men and women, right of recourse to the judiciary with a view to obtaining redress for any infringement of their rights and freedoms. Any woman subjected to discrimination on the basis of sex therefore has the right to submit complaints to the different types of court with a view to obtaining redress for any act of discrimination, including the People's Court established by Act No. 5 of 1988, which is competent to consider the issues highlighted by the Strengthening of Freedom Act No. 20 of 1991. Any citizen, whether man or woman, who suffers an infringement of the rights contained in that Act has right of recourse to the People's Court with a view to seeking restitution and obtaining redress for any material or moral injustice following an investigation by the People's Prosecution Bureau. The Court is competent to award compensation to the injured party and order the elimination of any consequences arising out of the act in question.

On several occasions, the Libyan Supreme Court has availed itself of the opportunity to affirm that the principle of equality between male and female citizens is a principle intrinsic to humanity that imposes itself on all public authorities, whether legislative, executive or judicial, and whether or not explicitly stipulated by the legislator.

Article 3

State Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Reply to article 3

The Libyan Arab Jamahiriya took a number of legislative and executive measures, all of which guaranteed the development and advancement of women in the political, social, economic and cultural fields and ensured the effective exercise of their rights and freedoms on a basis of equality with men.

In the political field, the Libyan Arab Jamahiriya is the pioneering example in connection with the participation of women in the legislative decision-making process through their membership of the Basic People's Congresses, which comprise all men and women in society. In the social field, women enjoy their inherent right to form women's associations and join specialist vocational trade unions on a basis of equality with men. In the educational and cultural fields, the Libyan Arab Jamahiriya devoted attention to women's education and training as an integral part of the development of its human resources, which in turn help to develop society and enhance its productive capacity. In accordance with the Libyan legislative acts which emphasize the principle of free and compulsory basic education and the right of all males and females to the pursuit of knowledge, Libyan women have benefited just as considerably as their fellow men from scientific and training developments. In the economic field, there are no obstacles which preclude the right of women to engage in all industrial and commercial activities and occupations, since work is a right and a national duty dictated by economic and

social circumstances. Recent developments aimed at promoting the leadership status of women and urging their effective participation in the activities of the Basic People's Congresses with a view to enabling them to exercise authority included the establishment, in September 1992, of the post of Assistant Secretary for Women's Affairs in the General People's Congress, which is equivalent to that of Deputy Speaker of Parliament in other countries. The following bureaux, which assist in fulfilling the responsibilities entailed in that post, fall under the supervision of the Assistant Secretary:

1. The Bureau of the Assistant Secretary for Women's Affairs;
2. The Bureau for the Follow-Up of Women's Affairs;
3. The Bureau for Women's Relations;
4. The Bureau of Social Affairs.

A summary of the responsibilities of the Assistant Secretary for Women's Affairs is as follows:

1. Following up the implementation by the People's Committees of resolutions adopted by the Basic People's Congresses in connection with women's affairs;

2. Helping to overcome any difficulties hindering the People's Committees in the fulfilment of their responsibilities, in coordination with the Bureau for the Affairs of People's Committees;

3. Studying the problems impeding the progress of women and coordinating with the People's Committees in order to find appropriate solutions to such problems;

4. Conducting the required studies and stating an opinion on memoranda and draft laws relating to women's issues as a prelude to their submission to the Basic People's Congresses;

5. Receiving and considering complaints concerning women and coordinating with the relevant authorities with a view to finding appropriate solutions;

6. Following up and supervising the activities of the Secretaries for Women's Affairs in the Basic People's Congresses and formulating rules to ensure the optimum performance of their work;

7. Encouraging the establishment of charitable associations and institutions concerned with women's issues and participating with the relevant authorities in drafting and following up the legislation needed in that connection;

8. Issuing invitations to local and international conferences, seminars and symposia on women's issues to be held in the Libyan Arab Jamahiriya;

9. Making preparations for international conferences, seminars and symposia dealing with women's issues that are to be held outside the Libyan Arab Jamahiriya and selecting delegations to participate in them, in coordination with the relevant authorities;

10. Supervising all women's activities and undertakings in the different sectors in the Libyan Arab Jamahiriya;

11. Endeavouring to strengthen ties and relationships with Arab, Muslim and international women's organizations and bodies, in coordination with the relevant authorities;

12. Organizing scholarly gatherings on women's affairs and problems and on raising political awareness among women.

In the context of following up implementation of the Beijing Declaration and Platform for Action, adopted at the Fourth World Conference on Women, held in Beijing in 1995, in which the Libyan Arab Jamahiriya participated in the form of a delegation comprising women representatives from the various bureaux concerned with women's affairs, a national multi-sector committee has been formed to fulfil the task of following up and implementing all the resolutions and recommendations adopted at the Beijing Conference.

In celebration of International Women's Day in the Libyan Arab Jamahiriya on 8 March 1996, women from every town and village in the country organized a congress for the emancipation of women. Held in the town of Sirte on that same day under the banner of "Maternity - Production - Struggle", the congress was attended by Colonel Muammar Qaddafi, leader of the Great September Revolution, who gave a speech in which he stressed the humanity of women, their role as hallowed creatures and their sacred task. He stated that it was vital for women to enjoy full freedom and the right to make choices which suited them. He also stressed the need to eliminate any vestiges from the past that were antagonistic to women and women's freedom.

This congress adopted the Charter on the Rights and Duties of Women in Libyan Arab Society, which was approved by the General People's Congress on 16 March 1997. Stipulating eminent principles whereby women are guaranteed the right to enjoy all the same rights as men without distinction between them, the provisions of this Charter include the following:

1. Women have the right to exercise authority through the People's Congresses and People's Committees without representing or acting on behalf of any third party;

2. Women are required to perform the duty of defending the homeland on an equal basis with men;

3. A contract of marriage is an agreement based on equality and mutual consent and is terminated by the agreement of both spouses or by a legal judgement;

4. A wife's dower is an exclusive right emphasized by the Holy Quran;

5. Women have the right of custody of their children and grandchildren and have the burden of safeguarding this intrinsic and sacred right;

6. Women are the most important factors in the household structure, which they have the burden of safeguarding in such a way as to ensure the healthy upbringing of its members;

7. Women are entitled to the enjoyment of financial independence and accordingly have the right to administer any legal sale, purchase, acquisition or mortgage of their private assets, as well as the right to administer other items such as identity cards and passports;

8. A second marriage and any subsequent marriage thereafter may take place only with the consent of the first wife or pursuant to a court ruling;

9. With a view to achieving equality before the law and safeguarding the basic components of society, in cases where honour is subject to violation or infringement, women must be treated on a basis of equality with men in the application of laws;

10. Women in Libyan Arab society reject and denounce any infringement of honour;

11. The children of a woman in Libyan Arab society who is married to a person holding a different nationality to her are entitled to enjoyment of the same rights and have the same duties;

12. Work is an honour and a duty for every citizen, in which connection men and women are equal in the assumption of leadership and other positions in accordance with their abilities, expertise and skills;

13. Social security is a right guaranteed by Libyan Arab society to both women and men alike in the case of old age, invalidity, industrial accident and occupational disease, and a woman's heirs have the right to full enjoyment of the social security benefits of her deceased husband.

It should be noted that the Libyan Arab Jamahiriya has ratified and acceded to 25 international human rights agreements and that individuals are thus entitled to use their provisions in argument directly before the courts, such provisions being enforceable at the national level. These agreements include, in particular:

- The International Covenant on Civil and Political Rights;
- The International Covenant on Economic, Social and Cultural Rights;
- The Convention on the Elimination of All Forms of Discrimination against Women;
- The Convention on the Nationality of Married Women;
- The Convention on the Political Rights of Women;
- The 1947 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others;
- The Convention against Discrimination in Education;
- The Convention on the Rights of the Child;

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

Reply to article 4

Paying due regard to the particularity of women and the difference between their biological nature and that of men, the Libyan legislator prescribed distinct rules in criminal legislative acts whereby women are treated in a manner appropriate to their femininity. The Prisons Act No. 47 of 1975 thus singles out women, particularly pregnant women, for special treatment in connection with their prison accommodation and care. The Labour Act No. 58 of 1970 also emphasizes the particularity of the role of working women and explicitly prohibits their employment in physically demanding and rigorous work that is hard, dangerous or otherwise unsuited to their nature and biological make-up, the aim being to preserve their humanity.

In accordance with Libyan legislative acts, the right of divorce is restricted to the husband, being a prerogative which he may use when and howsoever he wishes against the woman. Even so, that prerogative is not regarded as an absolute right which the husband may use as a weapon against the woman. On the contrary, it is a right which is subject to control by the judiciary, as stipulated in the Marriage and Divorce Regulations Act No. 10 of 1984. In addition, the Libyan legislator endeavoured to repeal all laws, statutes and customs which discriminated against women, while Act No. 8 of 1989 opened the way for women to pursue legal proceedings, a field which had long been the sole preserve of men. Women also acquired the right to assume judicial office.

Although there is no discrimination in connection with obtaining study grants and allowances, females enjoy some privileges to the exclusion of males, such as the provision of transport to and from schools, colleges and other study locations.

In regard to article 4, paragraph 2, of the Convention, the Libyan Arab Jamahiriya enacted legislation to protect maternity, such as granting women maternity leave for a period of three months on full pay and providing them with special facilities, privileges and free medical care in connection with pregnancy and childbirth, without any ensuing repercussions on their work, seniority or allowances.

Article 5

States Parties shall take all appropriate measures:

(a) To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women;

(b) To ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of children is the primordial consideration in all cases.

Reply to article 5

In common with other Arab and African societies, Libyan Arab society was subjected to colonial invasion and imperialist domination, during which time endeavours were made to instil values and beliefs that were far removed from its own values and principles as derived from the code of the Holy Quran which it followed. During that colonial period, women were veiled and forbidden to seek knowledge and employment. They were also denied the right to express opinions concerning their marriage and the right to administer their assets. Their ties with public life were severed and their role was restricted to marriage, maternity and child-rearing. They continued to suffer the bitter experiences of being subjected to colonialism and male control, which, under the prevailing customs and traditions of the day, was an acknowledged right.

After the Great September Revolution of 1969, Libyan women attained the aspirations for which they had fought; under the Libyan legislative acts containing provisions derived from the Holy Quran (the social code), all practices based on the idea of the superiority of either of the sexes or on stereotyped roles for men and women were eliminated as a result of various factors, in particular:

(a) The Libyan Arab Jamahiriya devoted considerable attention to the education of both men and women. The education system not only emphasizes the right of men and women to education, but also regards it as a compulsory duty until the end of the basic education stage. Measures adopted by the Libyan Arab Jamahiriya to modify the social and cultural patterns of conduct of men and women comprised the inclusion of women in all stages of education, the amendment of school curricula in order to eliminate schoolbook stereotyping of the roles of men and women, and awareness-raising among parents concerning the important role of the individual within the family and the fact that females are no less significant than males.

(b) Libyan women were no longer subjected to factors of discrimination in the field of employment and assumed positions which had always been a male monopoly, such as in the judiciary and the specialist areas of military service. Act No. 8 of 1989 was also promulgated, giving women the right to hold judicial office, as already mentioned. The People's Militia Act No. 3 of 1984 was

promulgated, together with the National Service Act No. 9 of 1987, both of which recognized the right of women to receive weapons training and defend their freedom and their homeland. A special military academy for girls was established and continues, as always, to produce large numbers of female graduates in the different military specializations. Libyan women also began to pursue all the commercial and occupational activities which had traditionally been the exclusive preserve of men and they were able to travel about on their own, both inside and outside the country.

(c) Polygamy also came under the control of the judiciary pursuant to Act No. 10 of 1984, which accords a wife the right to express her views and defend her interests in such matters. The Act also provides that logical reasons must exist for a husband to take another wife and that one of the following two conditions must be fulfilled:

(i) The first wife must give her consent to the marriage or a ruling giving such consent must be delivered by the competent court;

(ii) The husband's social circumstances, his health and his financial capacity must be such as to permit polygamy.

Failure to comply with either of these two conditions invalidates the marriage. Similarly, a man's marriage to another woman does not prejudice the legal rights of the first wife in regard to the husband, nor should it be to her material or moral detriment.

It should be noted that Libyan society engages in none whatsoever of the traditional practices, prevalent in various other societies, that are regarded as forms of violence against women, such as mutilation of the female genital organs. On the contrary, positive traditional practices are widespread in Libyan society, such as natural breastfeeding, the period of rest given to women following childbirth and the higher prestige and status which women enjoy as they become older.

The responsibility of bringing up children is deemed to be shared by the mother and father. Libyan legislative acts therefore provide that both parents (without distinction) are responsible for the rights of their children with a view to guaranteeing their happiness and ensuring that they suffer no injustice or curtailment of their rights in connection with maintenance, custody, lineage, breastfeeding, education or health care. Custody is a joint right of both parents where they have married status. If they are divorced, the mother has custody, followed by her mother, then the father and then his mother. The husband is required to pay custody maintenance to the custodian of the child, be it the mother or a relative.

Highlighting the importance of the role of the family in bringing up children in that the family is the nucleus and foundation of society, article 20 of the Great Green Charter for Human Rights in the Age of the Masses stipulates that it is a sacred human right for a child to be raised in a cohesive family with a mother, father and siblings, that the nature of human beings is such that they thrive only on true maternity and natural breastfeeding and that a child should therefore be raised by its mother.

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Reply to article 6

The practices of engaging in traffic in women and forcing them into prostitution are prohibited in the Holy Quran (the social code), as is prostitution itself. The Libyan Penal Code imposes the heaviest penalties for prostitution, which is regarded as a criminal offence; article 407 of the Code provides for the imprisonment, for a period of not more than five years, of any person who willingly fornicates with another person. Article 417 also provides for the imprisonment, for a period of not less than one year, of any woman who engages in prostitution as a livelihood or method of earning. It further provides for the imprisonment, for a period of not less than one year, of any person who opens, manages or howsoever assists in the management of a brothel or place of prostitution, together with a fine of not less than 100 dinars. The Libyan legislator categorized the crimes of traffic in women, facilitation of traffic in women and exploitation of women for prostitution as crimes against freedom, honour and morals under the Penal Code, having devoted particular attention to those types of crime, which are covered by articles 415, 416, 417, 418 and 419. Heavy penalties are imposed on any person who practises adultery, which is the act of intercourse between any man and woman outside a legitimate marital relationship, or who incites or lures others into prostitution or who conducts traffic in women. In such crimes, the penalty is the same for men and women, as they are both equal before the law.

In the Libyan Arab Jamahiriya, there is no system of prostitution, just as there are no rights for prostitutes; as previously mentioned, prostitution is essentially criminalized under Libyan legislation. Nor are there any centres for rehabilitating prostitutes and preventing their return to prostitution. The Libyan Arab Jamahiriya is endeavouring to take measures to combat the circumstances which push women into prostitution, such as poverty and lack of employment opportunities. To that end, efforts are being made through its social security system to achieve a society of sufficiency and justice in which protection is also provided for the individual, the family and the community in the event of illness, occupational accident, invalidity, unemployment, disaster and emergency. It offers cash benefits to persons who have no income or only limited income, as well as to those who have no one to support them. It also endeavours to provide shelter, direction, education and guidance to those whose circumstances so demand with a view to enabling them to adjust and find solutions which are compatible with their abilities and aptitudes.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

(c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

Reply to article 7

On the basis of the declaration establishing the authority of the people, made by the General People's Congress on 2 March 1977, the Libyan Arab Jamahiriya applies direct democracy or the authority of the people, as represented in the People's Congresses, which adopt resolutions, and the People's Committees, which implement them. The Basic People's Congresses constitute the legislative authority and have the exclusive power to promulgate laws and resolutions in all areas of internal and foreign policy, including the enactment of laws, the ratification of international agreements and the discussion of matters of peace and war.

Membership of the Basic People's Congresses is open to all male and female citizens having attained the age of 18 years and normally residing within reach of a Basic People's Congress. The number of Basic People's Congresses is not fixed, but decreases or increases according to the need of citizens to establish local branches which determine the reach of such Congresses. At the time of their most recent assembly, the number of Basic People's Congresses stood at 381.

The Basic People's Congresses hold two regular sessions each year. The first is devoted to drawing up an agenda and the second to discussing the agenda items and adopting resolutions. They may also convene emergency sessions to discuss specific matters whenever deemed necessary.

The laws and resolutions adopted by the Basic People's Congresses on matters concerning the country in general do not take effect until after their wording has been unified and they have been read out in the General People's Congress (assembly of the Secretaries of the Basic People's Congresses, the People's Committees, federations, trade unions and professional leagues). These Secretaries are both men and women who have academic and specialist qualifications.

Resolutions concerning matters of a local character which do not conflict with the laws or resolutions in force and which have no implications for the public purse are considered to have taken effect on their adoption.

The General People's Congress chooses its Secretariat, consisting of a Secretary and six Assistant-Secretaries, including the Assistant Secretary for Women's Affairs. The Secretariat of the General People's Congress is the mechanism by which it follows up implementation of the resolutions of the Basic People's Congresses. It is competent to convene meetings of the General

People's Congress, run its sessions, fix the meeting dates of the Basic People's Congresses, collate any agenda-related proposals made by the Basic People's Congresses, submit them to the Basic People's Congresses after combining them into a single agenda, follow up the work of the General People's Committee and expand its membership.

Each Basic People's Congress also chooses its Administrative Secretariat, consisting of a Secretary and four members, at least one of whom is a woman. The Secretariat of the Congress is competent to administer and organize the sessions of the Basic People's Congress, draft its resolutions and follow up their implementation.

The People's Committees are the mechanism for implementing the resolutions of the Basic People's Congresses and are answerable to the competent Basic People's Congress. Their members are chosen by direct and open selection from the Basic People's Congresses.

The General People's Committee consists of the Secretary of the General People's Committee, the Secretaries of the specific General People's Committees and the local branch secretaries of the People's Committees. It is competent to devise executive programmes for the resolutions of the Basic People's Congresses drawn up in the General People's Congress, propose the State's draft general budget and conversion plans, as well as draft laws and other items to be submitted to the Basic People's Congresses in accordance with their resolutions.

The General People's Committee has a Secretariat consisting of its own Secretary and the Secretaries of the specific General People's Committees. It is competent to prepare and convene meetings of the General People's Committee, administer its sessions, draft its lectures and resolutions, supervise, monitor and exercise administrative control of all workers in the different sectors and devise executive programmes to ensure the needs of the local People's Committees in terms of administrative and technical skills and expertise.

When adopting resolutions, the General People's Committee implements the laws and resolutions promulgated by the Basic People's Congresses.

It is clear from the above that, in common with their fellow men, Libyan women exercise direct authority and take decisions in connection with the State's general domestic and foreign policy and the enactment of laws through their membership of the Basic People's Congresses, by virtue of which they have the authority to adopt such decisions. They also have the authority to implement them by virtue of their membership of the People's Committees.

Tables A and B below, comprising statistical information on the attendance of men and women at the Basic People's Congresses during the two ordinary sessions of 1995 and 1996, show the authority exercised by Libyan women in society.

Libyan women are also represented in the Secretariats of the Basic People's Congresses; there are 381 Secretaries for Women's Affairs, each of whom has the task of studying women's problems, determining the obstacles in the way of triggering their role in society and drawing up plans and programmes in

connection with occupational and academic training for women and the incorporation of women into development and decision-making.

Table A
Attendance of men and women at the Basic People's Congresses during the second ordinary session of 1995

Day and date	Number of Congresses	Attendance of men	Attendance of women	Total attendance
Sunday, 7 Muharram 1425	356	25,600	1,621	27,221
Monday, 8 Muharram 1425	357	49,236	6,411	55,597
Tuesday, 9 Muharram 1425	357	57,460	9,083	66,543
Wednesday, 10 Muharram 1425	357	61,634	8,875	70,509
Thursday, 11 Muharram 1425	357	73,950	7,050	45,000
Friday, 12 Muharram 1425	357	1,013	185	1,198
Saturday, 13 Muharram 1425	357	59,745	13,225	72,970
Sunday, 14 Muharram 1425	357	55,877	9,560	65,437
Monday, 15 Muharram 1425	357	45,673	8,663	63,336
Tuesday, 16 Muharram 1425	357	48,784	8,914	57,698
Wednesday, 17 Muharram 1425	357	44,977	9,289	54,266
Thursday, 18 Muharram 1425	357	33,275	5,959	39,234
Friday, 19 Muharram 1425	357	2,512	83	2,595
Saturday, 20 Muharram 1425	357	9,054	1,168	20,722

Table B
Attendance of men and women at Basic People's Congresses during the second ordinary session of 1996

Day and date	Number of Congresses	Attendance of men	Attendance of women	Total attendance
Wednesday, 1 Muharram 1426	374	12,519	580	13,099
Thursday, 2 Muharram 1426	374	23,728	2,518	26,246
Friday, 3 Muharram 1426	374	913	116	1,029
Saturday, 4 Muharram 1426	380	184,992	9,884	194,876
Sunday, 5 Muharram 1426	380	277,093	33,792	310,885
Monday, 6 Muharram 1426	380	322,793	37,954	360,747
Tuesday, 7 Muharram 1426	380	351,049	47,389	398,438
Wednesday, 8 Muharram 1426	380	303,423	39,554	342,977
Thursday, 9 Muharram 1426	380	112,867	22,950	135,817
Friday, 10 Muharram 1426	380	-	-	-
Saturday, 11 Muharram 1426	380	28,548	1,483	30,031
Sunday, 12 Muharram 1426	380	6,950	710	7,660

Women's working groups were formed under the General People's Congress in order to devote attention to women's issues, the advancement of women and the process of triggering the role of women in society. In turn, these working groups formed a group of specialist committees (dealing with academic matters, information, social, legal, scientific and military affairs, rehabilitation and training) with a view to ensuring the development of women in the different areas of the Libyan Arab Jamahiriya.

Libyan women hold various leadership positions, including:

- Assistant Secretary for Women's Affairs in the General People's Congress (equivalent to the Deputy Speaker of Parliament);
- Secretary of the General People's Committee for Information, Culture and Mass Mobilization (equivalent to the post of Minister of Information and Culture);
- Directors or heads of department;
- Heads of administrative sections;
- Supervisors and monitors.

Table 1 below shows the participation of Libyan women in leadership positions.

Table 1
Participation of Libyan women in leadership positions

Leadership positions	1980 Overall total	1980 Women	1980 Percentage	1984 Overall total	1984 Women	1984 Percentage
Secretaries and assistant secretaries	279	5	1.8	1,032	21	2.0
Directors and heads of department	974	22	2.4	2,407	13	0.5
Heads of administrative sections	659	30	4.6	1,090	29	2.7
Directors in the private sector	-	-	-	1,994	7	0.4
Supervisors and monitors	5,790	142	2.5	8,045	143	1.8
Total	7,702	199	2.6	14,568	213	1.5

The data indicate that the number of Libyan women participating in leadership positions has fallen; this fall, however, is not attributable to discrimination between men and women in that area or to any shortcoming in the legislative enactments. On the contrary, it is attributable to the fact that, for a long period of time, Libyan women lived in a society which suffered from the consequences of the overall backwardness imposed by colonialism and the reactionary Alliance, in addition to the fact that male control over women was an acknowledged right under the customs and traditions which prevailed during the period of colonialism and backwardness. As a result, women lived in isolation from society and their role was completely marginalized. As such, Libyan women have had only a short period of time to develop and fully integrate themselves into society in comparison with the period of opportunity which women in other States have had.

Despite that short period of time, Libyan women began to embark on many different fields of activity and affirm their worth and capability. They are members of 21 domestic cooperatives involved in public and political life and of various vocational organizations, such as women's federations, trade unions and professional leagues, through which they exercise important leadership roles. In addition, they play a part in domestic cooperatives and voluntary associations, which assume an important role in the development and progress of society. According to statistical information, Libyan women participate fully in women's charitable societies, such as the Libyan Family Welfare Society in the Tripoli region and the Libyan Midwives' Society for Maternal and Child Care.

Article 8

States Parties shall take all appropriate measures to ensure to women, on equal terms with men and without any discrimination, the opportunity to represent their Governments at the international level and to participate in the work of international organizations.

Reply to article 8

The Libyan Arab Jamahiriya attached great importance to encouraging women to work in the diplomatic corps and represent their country abroad. Women thus enjoy the equal right with men to hold diplomatic office, work abroad in the People's Bureaux and participate in the sessions of the General Assembly of the United Nations and its agencies, as well as in conferences, meetings and seminars held by various international and regional organizations.

This encouragement demonstrated a conscious political will that recognizes the importance of women in this field in particular, based on sound principles whereby equality between men and women is the means and approach adopted and whereby the advancement of women is an eminent objective to be accomplished with the aim of achieving a free and equal society, as is the motivation of women to assume higher political office.

In order to ensure that women receive first-rate training and preparation in the field of foreign relations and diplomacy on an equal basis with their fellow men, the Libyan Arab Jamahiriya established an academy for political relations, attached to the General People's Committee for Foreign Liaison and

International Cooperation, which, by means of lectures on working methods in the field of international relations, provides excellent preparation, without distinction, for those males and females who are accepted into the diplomatic corps.

Table 2 below shows by rank the number of women employed in the General People's Committee for Foreign Liaison and International Cooperation and the Secretariat of the General People's Committee for Unity (which is responsible for following up Arab issues and the People's Bureaux located in Arab countries) compared to the number of men employed at the same rank.

Table 2

Rank	Number of men	Number of women
Chancellor	355	5
First secretary	60	2
Second secretary	2	1
Third secretary	7	5
Attaché	39	16
Administrators	694	50

The above information indicates that the percentage of women working in the diplomatic corps is still low compared to the percentage of men. This situation, however, is not attributable to any discrimination between men and women in connection with filling diplomatic posts, but rather to the fact that women have only recently entered this field.

The Libyan delegations participating in the successive sessions of the General Assembly of the United Nations have included a number of women. Table 3 shows the participation of Libyan women in the sessions of the General Assembly between the forty-seventh session in 1992 and the fifty-second session in 1997.

Table 3
Participation of Libyan women in the sessions of the General Assembly of the United Nations

Sessions of the General Assembly of the United Nations	Number of women participants
Forty-seventh session (1992)	1
Forty-eighth session (1993)	2
Forty-ninth session (1994)	2
Fiftieth session (1995)	1
Fifty-first session (1996)	1
Fifty-second session (1997)	2

Libyan women have also participated in the meetings of the Commission on the Status of Women and have headed the Libyan Arab delegations which participated in its meetings during the Libyan Arab Jamahiriya's membership of the Commission from 1994 to 1997. In addition, Libyan women headed the Libyan Arab delegation, consisting mostly of women, which participated in the Fourth World Conference on Women, held in Beijing in early September 1995, and the Libyan Arab delegation which participated in the meeting of the Economic Commission for Africa, held at the Commission headquarters in Addis Ababa at the end of April 1998 in commemoration of the fortieth anniversary of its establishment, to examine the role of African women in development.

Table 4 shows the participation of women in international conferences in 1994 and 1996.

Table 4
Participation of women in international conferences

Year	1994	1996
Number of conferences	87	75
Participation of women	8	5

For information purposes, it should be noted that high-ranking diplomatic posts abroad, such as Secretary of the People's Bureau (ambassador) in Ghana and Malta, have been occupied by women in the past and that the posts of representative of the Libyan Arab Jamahiriya at the League of Arab States in Cairo and chargé d'affaires at the Libyan mission in Geneva are both currently occupied by women.

Article 9

1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.

2. States Parties shall grant women equal rights with men with respect to the nationality of their children.

Reply to article 9

Libyan legislative acts reflect the principle of the equality of men and women in connection with any acquisition, change or retention of nationality. They also indicate that there are no factors affecting women's exercise of those rights, which have remained without change since the initial report of the Libyan Arab Jamahiriya was issued.

If a Libyan woman marries an alien or if her husband changes nationality at some time during the marriage, her nationality will not automatically change as a result, nor will she lose her nationality, have her husband's nationality imposed on her or lose her name after marriage by taking her husband's name. Given the importance of citizenship in denoting an individual's connection with his country and his status as one of its political subjects, article 4 of the Great Green Charter for Human Rights in the Age of the Masses stipulates that citizenship is a sacred right which cannot be forfeited or withdrawn.

The rights of citizenship are determined on the basis of lineal connection to father and mother. Under Libyan law, minor children are permitted to travel on their mother's passport without the father's consent, provided that she holds an official passport issued by the competent authorities.

Article 10

States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education and in particular to ensure, on a basis of equality of men and women:

(a) The same conditions for career and vocational guidance, for access to studies and for the achievement of diplomas in educational establishments of all categories in rural as well as in urban areas; this equality shall be ensured in pre-school, general, technical, professional and higher technical education, as well as in all types of vocational training;

(b) Access to the same curricula, the same examinations, teaching staff with qualifications of the same standard and school premises and equipment of the same equality;

(c) The elimination of any stereotyped concept of the roles of men and women at all levels and in all forms of education by encouraging coeducation and other types of education which will help to achieve this aim and, in particular, by the revision of textbooks and school programmes and the adaptation of teaching methods;

(d) The same opportunities to benefit from scholarships and other study grants;

(e) The same opportunities for access to programmes of continuing education, including adult and functional literacy programmes, particularly those aimed at reducing, at the earliest possible time, any gap in education existing between men and women;

(f) The reduction of female student drop-out rates and the organization of programmes for girls and women who have left school prematurely;

(g) The same opportunities to participate actively in sports and physical education;

(h) Access to specific educational information to help to ensure the health and well-being of families, including information and advice on family planning.

Reply to article 10

In the Libyan Arab Jamahiriya, the Compulsory Education Act of 1975 emphasizes the guarantee of equal opportunities of education for both sexes and regards education as a free and compulsory duty until completion of the basic education stage, which lasts nine years.

The Act also emphasizes the expansion of education and training in order to ensure that all residential communities have access to compulsory education services. Moreover, it emphasizes the expansion of educational and training services with a view to satisfying the needs of the individual members of society, both men and women, and ensures the unification of curricula and examinations, as well as equality in terms of the standard of teachers and the type of school equipment available in kindergartens and in the basic, intermediate and higher stages of education.

In 1982, the Basic People's Congresses (the legislative mechanism) approved the new educational structure with a view to redesigning the educational system by introducing technical and artistic education linked with vocational training at the basic and intermediate stages, the aim being to meet the needs of the national economy for a workforce with technical and vocational qualifications.

On the basis of the progressive view of development whereby women represent half of society and, in the event that they are productive, an essential component of development, Libyan women have benefited just as amply as men from educational and training developments.

Act No. 80 of 1970, which provides that young persons should not be employed before the age of 15 years, encourages guardians not to remove their children from school before the end of the basic education stage. This measure has had a positive effect on the education of girls, who are the first to suffer premature interruption of their schooling. It also provides for the eradication of female illiteracy, particularly among those aged between five and 16 years, as a result of which the female illiteracy rate fell from 72.7 per cent in 1973 to 33 per cent in 1992 and was estimated at about 18 per cent in 1997 in the towns, with a higher rate in rural areas.

With a view to achieving the principle of equality in academic learning between all males and females, as stressed in the national legislation, Libyan women accomplished substantial progress in the different fields of basic, intermediate, university and higher education.

The number of girls enrolled in basic education rose from 411,649 in the academic year 1993/1994 to 715,617 in the academic year 1995/1996. The percentage of females therefore increased from 40.5 per cent during the academic year 1993/1994 to 49 per cent during the academic year 1995/1996. The number of girls enrolled in intermediate (secondary) education rose from 57,629 in the academic year 1990/1991 to 166,686 in the academic year 1995/1996. Accordingly,

the percentage of females rose from 50.7 per cent during the academic year 1990/1991 to 60 per cent during the academic year 1995/1996.

Table 5 shows the expansion in basic education during the period 1993-1996 and table 6 shows the expansion in intermediate education during the period 1990-1996.

In university education, the number of girls rose from 4,056 in the academic year 1981/1982 to 69,499 in the academic year 1995/1996. The percentage of females therefore increased from 21 per cent in the academic year 1981/1982 to 51 per cent in the academic year 1995/1996.

Table 7 shows the expansion in university education during the period between the academic year 1981/1982 and the academic year 1995/1996.

In the field of higher studies, Libyan women were provided with equal and encouraging opportunities to further their educational achievements, as they were able to obtain grants to pursue higher studies at home and abroad on an equal basis with their men colleagues. During the academic year 1993/1994, the number of females studying abroad amounted to 13 who were pursuing bachelor's degrees, 55 who were pursuing master's degrees and 55 who were pursuing doctoral degrees.

The laws and regulations in force in this field stipulate the provision of living and education allowances for the accompanying husband and children of a female student, which encourages many women to continue their studies even after they have started a family.

As a result of this policy, the number of girls holding higher diplomas rose to 11 per cent of the total number of Libyans who held such diplomas in 1992.

It should be noted that, to their full credit, Libyan women embarked on certain fields of learning, such as the medical sciences, pharmacology and dentistry, which, until only recently, had remained the sole preserve of men. In the academic year 1995/1996, female students accounted for 44 per cent of students in the School of Medicine, 65 per cent in the School of Dentistry and 64 per cent in the School of Pharmacology.

In addition to the system of basic, intermediate, university and higher education, there is a special military academy for girls in Tripoli. Training colleges for male and female teachers were also established with a view to expanding the fields of education and training for men and women and ensuring an adequate supply of male and female teachers for the basic education stage. These colleges expanded enormously in the towns and villages and the percentage of females in attendance grew to overtake the percentage of males in attendance during the academic year 1995/1996.

Table 5
Expansion in basic education during the period 1993-1996

Academic year	Number of students: Males	Females	Total	Percentage of females to males
1993/1994	472,617	411,649	1,029,121	40.5
1994/1995	690,858	460,573	1,151,434	40
1995/1996	744,825	715,617	1,460,442	46

Table 6
Expansion in intermediate (secondary) education during the period 1990-1996

Academic year	Number of students: Males	Females	Total	Percentage of females to males
1990/1991	56,054	57,629	113,683	50.7
1991/1992	70,093	68,767	138,860	49.6
1992/1993	75,588	75,037	150,625	49.2
1993/1994	95,696	143,544	239,240	60
1994/1995	105,637	158,455	264,092	60
1995/1996	111,246	166,868	268,114	60

Table 7
Expansion in university education between the period 1981/1982 and 1995/1996

Academic year	Number of students: Males	Females	Total	Percentage of females to males
1981/1982	15,259	4,056	19,315	21
1991/1992	40,049	32,805	72,899	45
1992/1993	52,568	48,525	101,093	48
1993/1994	62,285	53,584	118,869	45
1994/1995	76,538	67,874	144,412	47
1995/1996	66,775	69,499	136,274	51

Article 11

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, of a basis of equality of men and women, the same rights, in particular:

(a) The right to work as an inalienable right of all human beings;

(b) The right to the same employment opportunities, including the application of the same criteria for selection in matters of employment;

(c) The right to free choice of profession and employment, the right to promotion, job security and all benefits and conditions of service and the right to receive vocational training and retraining, including apprenticeships, advanced vocational training and recurrent training;

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work;

(e) The right to social security, particularly in cases of retirement, unemployment, sickness, invalidity and old age and other incapacity to work, as well as the right to paid leave;

(f) The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.

2. In order to prevent discrimination against women on the grounds of marriage or maternity and to ensure their effective right to work, States Parties shall take appropriate measures:

(a) To prohibit, subject to the imposition of sanctions, dismissal on the grounds of pregnancy or maternity leave and discrimination in dismissals on the basis of marital status;

(b) To introduce maternity leave with pay or with comparable social benefits without loss of former employment, seniority or social allowances;

(c) To encourage the provision of the necessary supporting social services to enable parents to combine family obligations with work responsibilities and participation in public life, in particular through promoting the establishment and development of a network of child-care facilities;

(d) To provide special protection to women during pregnancy in types of work proved to be harmful to them.

3. Protective legislation relating to matters covered in this article shall be reviewed periodically in the light of scientific and technological knowledge and shall be revised, repealed or extended as necessary.

Reply to article 11

Paragraph 1 (a): The right to work

The legislative acts in force in the Libyan Arab Jamahiriya ensure to each individual in society the right to work and also prohibit discrimination against women in the field of employment. Article 11 of the Great Green Charter for Human Rights in the Age of the Masses stipulates that work is a right and a duty for each individual within the limits of his own effort or his joint effort with others and that every individual has the right to choose such employment as suits him.

Article 28 of the Strengthening of Freedom Act No. 20 of 1991 establishes the right of women to employment which suits them and stipulates that they should not be placed in a position which forces them into employment that is unsuited to their nature.

The Labour Act No. 58 of 1970 also emphasizes the right of women to choose occupations which suit them, with the exception of hard, dangerous or other demanding work, which is not intended by way of discrimination against women in the field of employment. On the contrary, it is intended to protect them.

Stressing the right of women to employment which suits them, article 1 of Act No. 8 of 1989 provides for the right of women to assume positions in the judiciary and the public prosecution and to administer their own affairs under the same conditions prescribed for men.

Consequently, the conclusion to be drawn from these legislative provisions is that the legislator emphasizes the right of women to chose employment which suits them and ensures that they are not placed in the difficult position of choosing employment which is unsuited to the nature of their biological make-up, the aim being to maintain their humanity and stress their equality with men in terms of their entitlement to employment income.

Paragraph 1 (b)

The Civil Service Act No. 55 of 1976 guarantees the equal right of men and women to the enjoyment of employment opportunities. The Act does not specify any gender-related conditions in connection with appointment to public office. It does, however, cover the recognized conditions of employment, such as academic and training qualifications, good conduct, lack of criminal record, legal age, health and fitness. These conditions apply to men and women without distinction.

Paragraph 1 (c)

The General People's Committee Resolution No. 258 of 1989 concerning the preparation and training of Libyan women for employment in different fields stipulates as follows:

> "The General People's Committee for Vocational Training shall assume the task of formulating an annual programme to provide training for women in occupations and trades which are compatible with their psychological and physical make-up."

In accordance with this resolution, several women's training centres were established in different towns and villages of the Libyan Arab Jamahiriya to provide intermediate and advanced training in various financial, administrative, engineering, electronic, mechanical and other more general occupations.

According to statistics, 351 women's training centres are scattered throughout the different areas and the number of female trainees rose from 2,857 during the academic year 1989/1990 to 9,787 during the academic year 1996/1997.

Table 8 shows the numbers of female trainees in the various training centres during the two academic years 1989/1990 and 1996/1997. Table 9 shows the numbers of female trainees in the advanced centres during the period between the training years 1989/1990 and 1996/1997.

Table 10 shows the numbers of graduates from women's training centres throughout the various towns in the Libyan Arab Jamahiriya during the period between 1989/1990 and 1995/1996.

Table 8
Numbers of female trainees between the training years 1989/1990 and 1996/1997

Specialization	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97
Finance and administration	2,626	3,995	5,844	3,253	4,501	2,691	1,100	680
Hotel trade	-	-	6	-	299	540	500	430
Engineering	160	299	797	950	663	1,500	617	600
Electronics	31	177	401	525	701	630	422	412
Postal services	40	40	105	-	-	-	-	-
General	-	-	-	-	-	270	2,126	7,665

Table 9
Numbers of female trainees in advanced training centres

Specialization	89/90	90/91	91/92	92/93	93/94	94/95	95/96	96/97
Finance and administration	148	420	500	500	710	905	850	980
Computer technology	-	-	-	105	77	88	117	216
Hotel trade	-	-	35	60	40	30	53	35
Occupational health and safety	-	-	-	-	-	22	24	50
Engineering	-	-	-	-	-	4	4	10
General	-	-	-	-	-	-	-	200
Instructor preparation	-	-	-	-	-	12	12	12
Electronics	-	-	-	-	-	61	190	108
Total	148	420	535	665	827	1,122	1,250	1,611

Table 10
Numbers of graduates from women's training centres
between 1989 and 1996

	89/90	90/91	91/92	92/93	93/94	94/95	95/96
Tripoli	1,084	1,516	2,025	2,039	3,728	3,661	1,121
Zawiya	98	212	250	310	610	452	530
Jabal Gharbi	919	616	230	681	600	398	212
Naqaza	150	148	200	240	250	122	158
Misrata	147	150	180	185	200	312	420
Wusta	480	533	558	433	390	444	212
Jafra	400	88	112	110	150	152	177
Fazzan	906	695	701	770	270	134	460
Benghazi	304	351	744	351	749	483	161
Jabal Akhdar	78	130	150	122	150	108	218
Batnan	76	122	73	122	70	95	79
Wahat	212	300	250	170	221	150	88
Suf Jin	150	78	95	121	112	93	42
Total	4,705	4,939	6,018	6,198	7,950	6,609	3,904

Paragraph 1 (d): Right to equal remuneration and treatment

Article 11 of the Strengthening of Freedom Act No. 20 of 1991 provides for the right of all citizens to enjoy the fruits of their labour, which they may not be denied other than as imposed by the Act in order to assist in shouldering public burdens or in return for services provided to them by society.

It should be noted that there is no wage system in the Libyan Arab Jamahiriya and that economic activities are carried out through sharing in production, Libyan Arab workers having declared a revolt by which the producers became partners in public and private enterprises and companies, instead of wage-earners. As a result, both men and women were freed from the yoke of wages and all females and males acquired the right to pursue such employment as suited them, whether self-employment or employment in partnership with their family or others, provided that they were not exploited.

Society demands that individuals who provide it with a functional service should receive an income in return and that the principle of equal pay for equal work and responsibilities should be established, as stipulated under the Pay Act No. 15 of 1981, which also links benefits and terms of service to the type of appointment and not to the man or woman who holds the appointment. It also guarantees equal job promotion, benefits and terms of appointment for both men and women.

Paragraph 1 (e): Right to social security

The social security and welfare system in Libyan Arab society is a major feature of the solidarity and justice which exists between its individual members, both men and women. Article 1 of the Social Security Act No. 13 of 1980 stipulates that social security is a right guaranteed by society to all citizens for the protection and care of the individual in the event of old age, invalidity, illness, industrial accident and occupational disease, on loss of the family breadwinner or loss of livelihood, and during pregnancy and confinement. Help in shouldering family burdens is also given in cases where disaster, emergency or death occur and social care is provided for children (boys and girls) who have no guardian and for persons who are disabled or incapacitated, as is care and guidance for juvenile delinquents and young deviants. Further included under social security are industrial safety measures, care for victims of industrial accidents or occupational disease and rehabilitation for persons who are sick, injured or incapacitated. Under this system, both women and men receive cash benefits in the form of old-age pensions or invalidity pensions in the case of industrial accident or full invalidity, the aim being to provide a suitable income and a decent standard of living.

The statistical information available indicates that, as at 30 December 1993, 151,957 pensions had been awarded, a figure which rose to 161,217 during 1997.

In addition to the above pensions, the social security regulations stipulate the provision of short-term benefits in the form of daily financial assistance for individual workers in the event of temporary invalidity, industrial accident, confinement or natural disaster. It also provides for burial allowances and fixed-amount grants for pregnancy and confinement.

It should be noted that the social security regulations emphasize the provision of protection and care for disabled men and women, together with vocational rehabilitation and help in overcoming the problems which they face.

On the basis of the humanitarian approach shown by the Libyan Arab Jamahiriya in its initiative to focus international attention on the question of the disabled by declaring 1981 as the International Year for Disabled Persons, centres for the visually impaired and the physically disabled were established in Tripoli and Benghazi. The Disabled Persons Act No. 3 of 1980 was also promulgated, serving as an exemplary law in terms of its definition of disabled persons and their categories, together with its determination of the privileges and cash benefits which they should receive and the care and rehabilitation facilities available to them. This Act was amended by Act No. 5 of 1987 to provide for the prevention of disability, which it regards as a duty and social responsibility of the individual, the family, the community and people's organizations and bodies.

Paragraph 1 (f): The right to protection of health and to safety in working conditions

The Labour Act No. 58 of 1970 aims to provide care and protection for working women and create suitable working conditions for them, bearing in mind that they shoulder the responsibilities of maternity, as well as substantial household duties. This Act accords a number of special privileges intended to protect working women, inter alia:

(a) Women should not be employed in hard and dangerous work;

(b) Women's working hours should be fixed so that they work no more than 48 hours per week, including overtime;

(c) Women should not be employed in night work between the hours of 8 p.m. and 7 a.m., unless in connection with such cases, jobs and occasions as may be specified by the competent authorities;

(d) For a period of 18 months, working women who are breastfeeding a child are entitled to two additional daily rest periods of not less than 30 minutes each, both calculated as working hours, for purposes of breastfeeding;

(e) Any employer employing 50 female workers or more is required to provide a day nursery for their children;

(f) Working women have the right to fully paid maternity leave for an overall period of not more than three months before and after confinement and should not be required to work during the 30 days following confinement;

(g) The dismissal of working women during maternity leave is prohibited.

The Civil Service Act No. 55 of 1976 also covers the question of job security and specifies reasons whereby the service of working women in public establishments, companies and administrative units may be terminated when they reach over 60 years of age. They may take retirement when they reach 55 years of age if they themselves request it or if they are in jobs in respect of which the competent authorities issue a decision. They then receive a lifetime pension.

Article 11, paragraph 2

Libyan legislative acts prohibit the dismissal of working women from service on grounds of pregnancy or marriage and grant them health care and social welfare benefits, including fully paid maternity leave, fully paid confinement leave for a period of three months and free medical care, irrespective of whether or not they are employed at the time of confinement.

Contribution of Libyan women to the workforce

With the Great September Revolution, a significant new stage in the history of Libyan women began whereby greater attention was paid to their education. As a result, their political, economic, social and cultural awareness grew and they

began to contribute effectively to the political, economic, social and cultural activities taking place in different fields of work. Women were appointed to the positions of Assistant Secretary of the General People's Congress and Secretary of the General People's Committee and became university lecturers, doctors, engineers, researchers, Secretaries of People's Bureaux (ambassadors), judges, lawyers and officers in the People's Militia. They also assumed various other administrative, vocational and technical positions.

Statistical information indicates that the numbers of women of working age rose from 16,693 in 1964 to 117,203 in 1992, when the number of economically active women also rose from 15,046 to 114,755. In other words, the women's employment figure increased over sixfold in under three decades. In 1992, the women's unemployment rate stood at about 2 per cent.

Table 11 shows the growth in the employment figure and the percentage of the workforce in employment by gender for the period 1964-1992.

Table 11

	Males			Females		
Year	Economically active	Employed	Percentage	Economically active	Employed	Percentage
1964	355,844	323,454	90.1	16,693	15,046	90.1
1973	392,703	386,844	98.5	27,999	26,731	95.5
1984	593,331	571,299	96.3	87,663	84,616	96.5
1992	702,219	682,709	97.2	117,203	114,755	97.9

In 1992, the harsh and unjust sanctions were first imposed on the Libyan Arab Jamahiriya pursuant to Security Council resolution 748 (1992), followed by Security Council resolution 883 (1993), causing immense damage to many aspects of economic, social and human life, particularly in the employment sector, as the damage affected both the Libyan and foreign experts engaged in implementing, operating and maintaining agricultural and industrial projects, as well as public services, such as education and health, and infrastructural projects, such as electricity, roads, ports and airports. As a result, there were fewer employment opportunities for the individual members of society of working age (whether male or female) due to the delayed implementation of economic and social transformation projects. The level of economic performance consequently fell and activities were suspended by a number of companies and enterprises employing thousands of Libyan and foreign workers, both men and women, particularly airline and airline service companies.

Statistical information for 1995 shows that, although the number of economically active workers rose to 834,493 males and 190 590 females, the

number of job-seekers stood at 90,395 males and 17,099 females. The unemployment rate was therefore 12 per cent for males and 9.8 per cent for females.

Moreover, although the rate of women's participation in the workforce grew from 4.1 per cent in 1964 to 11.1 per cent in 1992, reaching 18.5 per cent in 1995, it was still remarkably low compared to the rate of participation in the workforce by men, which stood at 81.5 per cent in 1995. The available statistics show that women's major contribution to the workforce was primarily in the educational services sector, followed by the medical services sector, general administration and other economic activities, in that order.

Table 12 shows the women's employment figure by main occupational category and the number of male and female job-seekers according to 1995 statistics.

Table 12
Workers in the national economy by occupation and sector

Total number of workers in the national economy

Occupation	Males	Females	Total
Scientific and technical occupations, including technicians	118,155	122,867	241,022
Secretaries of People's Congresses and Committees, directors and persons in leading positions	2,927	21	2,948
Clerical supervisors, administrative, executive and clerical employees and other office personnel	121,193	24,954	146,147
Persons employed in buying and selling	51,417	475	51,892
Workers in hotels, restaurants, cafés, security and other similar services	176,105	13,768	189,873
Workers in agriculture, animal husbandry, forestry and fishing	97,657	3,369	101,026
Production workers and personnel, transport equipment and tool managers and production supervisors	172,653	7,815	180,468
Unskilled workers	3,991	222	4,213
First-time job-seekers	90,395	17,099	107,494
Overall total	834,493	190,590	1,025,083

Article 12

1. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of health care in order to ensure, on a basis of equality of men and women, access to health care services, including those related to family planning.

2. Notwithstanding the provisions of paragraph 1 of this article, States Parties shall ensure to women appropriate services in connection with pregnancy, confinement and the post-natal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.

Reply to article 12

In the context of its general policy, the Libyan Arab Jamahiriya attached considerable importance to the provision and development of health services, regarding enjoyment of the highest standard of health care as a fundamental right of every citizen, given that attention to the health of male and female citizens will help to further economic and social advancement and change; a citizen in perfect health has a greater capacity for work and production and is better able to achieve the aims of development and progress.

In accordance with the objective of health for all, the State spent tremendous sums of money on the health sector with a view to providing a health service for every male and female citizen, without distinction, and developing health services, medicines and free treatment in line with the latest international scientific developments and in quantities and qualities proportionate to the needs of all citizens.

In 1997, the approved annual budget for the health sector amounted to a total of 608,968,000 Libyan dinars, representing an individual share of 118,770,000 Libyan dinars (sic).

Health facilities

Free health services are provided for all male and female citizens in the public health facilities, consisting of 22 specialist centres, 17 central hospitals, 19 general hospitals, 22 village hospitals, 21 community clinics, 163 health centres and 23 tubercular disease units (according to 1997 statistics).

The total number of beds in these facilities stands at 20,365, which is the equivalent of 228 citizens per bed. According to 1997 statistics, there is one doctor to every 805 inhabitants and one dentist to every 13,041 inhabitants.

These health facilities offer full health services for women, ranging from primary health care to specialist services, such as antenatal and postnatal care.

There are also a number of clinics run by private partnerships and corporate bodies, providing fee-based services to all citizens and a total of 502 beds.

With a view to developing the services available in the health facilities, the Libyan Arab Jamahiriya devoted special attention to preparing specialist, technical and auxiliary personnel in the health sector. At the end of 1996, the number of graduates from the country's health institutions stood at 26,174 (8,427 males and 17,747 females).

Table 13 shows the number of male and female graduates from health institutions by specialization to the end of 1996.

Table 13
Graduates from health institutions in the Libyan Arab Jamahiriya to the end of 1996

No.	Discipline	Males	Females	Total
1	General nurse	2,897	12,468	15,365
2	Laboratory technician	982	947	1,929
3	Assistant pharmacist	1,434	1,485	2,919
4	Health inspector	925	316	1,241
5	X-ray technician	453	228	681
6	Physiotherapist	1,232	-	1,232
7	Community health specialist	-	2,176	2,176
8	Oral health specialist	-	127	127
9	Dental technician	247	-	247
10	Equipment maintenance technician	93	-	93
11	Nutritionist	99	-	99
12	Vital statistician	46	-	46
13	Health administrator	19	-	19
	Total	8,427	17,747	26,174

Table 14
Activity of maternal and child centres in 1995

Item	Type of health service and activity	Number	Comments
Antenatal clinic	New pregnancies	60,574	
	Repeat pregnancies	84,049	
	Delivery	17,684	
	Repeat visits	39,806	
Child clinic	Under-ones	35,793	
	One year and above	54,514	
	Regular check-up	134,587	
	Disease check-up	410,104	
Dental clinic	Children	4,037	
	Women	4,577	
Transfer to specialist hospitals	Pregnant women	1,385	
	Children	2,265	
Home visits	Inoculation	177	
	Pregnant women	176	
	Delivery	152	
	Families and children	148	
Medical analyses	Urine and blood sugar	6,647	
	Haemoglobin	5,525	
	Pregnancy testing	4,435	

Special care for women during maternity

Proceeding from the concern of the Libyan Arab Jamahiriya to raise the standard of physical, psychological and social health of mothers and children, several maternal and child care centres were established, offering women free premarital and antenatal care, which continues until after delivery in view of the close link between a child's health and that of its mother. The programme of care for pregnant women in these centres includes registration, ascertaining their medical history and the date of pregnancy, delivery, nutritional supervision, medical examination and home visits to pregnant women in order to educate them in matters of health and raise their health awareness. The

childcare programme also includes taking the child's medical history, recording information about his family, his growth, his development and past illnesses, evaluating his state of nutrition by regularly monitoring and recording his weight, detecting any malnutrition at an early stage and providing him with the required nutrients (table 14 shows the activity in maternal and child centres in 1995).

A number of social care and awareness-raising centres were also established. These are social institutions, run by the social security department, which provide free services to mothers, young girls and children aged between three and six years. Their aim is to raise social, health and cultural awareness among mothers and young girls of marriageable age on subjects such as the paths to a successful marriage and family life and the principles of child education and welfare. They also aim to offer training for mothers and young girls in occupations that will allow them to supplement the family income and increase the family's economic standard, such as dressmaking, tailoring, embroidery and household management, under the supervision of specialist trainers. A further aim is to develop care for children from low-income households or large families on limited income.

In 1995, the number of these centres had risen to 26, catering for 1,271 residents, as shown in table 15.

Table 15
Number of residents in social care institutions in 1995

Institution	Number	Number of residents
Foster homes	5	372
Children's homes	1	29
Care homes for boys	7	311
Care homes for girls	2	85
Care homes for the aged	3	166
Homes providing care and guidance for juvenile delinquents	4	146
Homes offering protection and guidance for women	4	163
Total	26	1,272

Information on institutions for the care of disabled persons in 1995

Instititution	Number	Number of residents	Comments
Poliomyelitis institutions	2	100	Males and females
Institutions for the development of mental abilities	4	378	Males and females
Sanatoriums for the severely retarded	3	440	Males and females
Rehabilitation centres for disabled persons	11	520	Males and females
Institutes for the visually and aurally impaired	15	1,055	Males and females

Several children's foster homes also offer their services to those categories of children who require full shelter and special care owing to their social circumstances, society in the Libyan Arab Jamahiriya being such as to provide support for those without shelter. The special function of these homes is to provide free shelter to children of both sexes from birth to the age of six and guarantee that they will be brought up in an environment which ensures that their health is properly cared for, that they receive a moral and religious education and that they enjoy social protection.

Health care services and treatment for both males and females without distinction have developed and child inoculation is extensive; 99.2 per cent of children are inoculated against tuberculosis, 98.2 per cent against poliomyelitis and 92.2 per cent against measles. As a result, the overall mortality rate fell from 8.7 per 1,000 citizens in 1970 to 7 per 1,000 citizens in 1995 and life expectancy rose from 47 years of age in 1973 to 67 years of age for females and 65 years of age for males in 1997.

Below is a summary of some of the treatments offered to various groups of female patients:

1. Tumours

In 1997, Libyan Arab special hospitals used surgery, radiotherapy and chemotherapy to treat 724 cases of tumours in females at the Tripoli Medical Centre and the Benghazi X-Ray and Radiotherapy Centre.

2. Cardiac disease

Libyan specialist hospitals treated 1,951 cases of cardiac disease in females who received treatment as in-patients and, in some cases, underwent surgery in specialist hospitals such as the Tajura' Cardiac Hospital and the Cardiac Department at the Tripoli Medical Centre.

3. Pulmonary tuberculosis

In 1997, there were 132 cases of pulmonary tuberculosis in females who were treated at sanatoriums for chest diseases in the Abu Sita district in Tripoli and the Kuwaifiya district in Benghazi, at the Shahhat sanatorium and at the Chest Hospital in Misrata.

Abortion is illegal in the Libyan Arab Jamahiriya unless it is essential in order to save the mother's life (art. 9 of the Medical Liability Act). Abortions which are intended to save a mother's life, however, are performed at hospitals free of charge.

The phenomenon of female circumcision or mutilation of the female genital organs is practised nowhere in the Libyan Arab Jamahiriya and the sex of a foetus may not be identified without the consent of both spouses and only if it does not prejudice the interests of society and if the woman's state of health is taken into account.

Programme to combat Acquired Immune Deficiency Syndrome (AIDS)

In 1995, only five Libyans had AIDS. The number of persons affected by the disease, however, slowly grew to the point where, in 1997, 38 Libyans (including nine females) had AIDS.

With a view to preventing the spread of this dangerous epidemic, the General People's Committee for Health and Social Security established a national committee to combat AIDS, which is responsible for devising and overseeing a national programme to combat the disease in conjunction with a number of relevant bodies, in particular the World Health Organization and the Joint United Nations Programme on HIV/AIDS.

Based on the principle of decentralizing the implementation of this programme, working groups were formed in towns and villages to control and maintain track of this serious disease. The focus of the programme was directed at the following:

1. Raising general awareness among citizens of the dangers of the disease, and ways of preventing it, through the different media, such as newspapers, magazines and radio and television programmes which provide guidance, and by holding seminars and discussion groups on the disease and the means of combating it;

2. Training laboratory personnel and providing the necessary equipment for detecting the disease;

3. Training and preparing medical personnel so that they are properly qualified and able to cope with any cases of the disease which may come to light;

4. Supervising the treatment of AIDS sufferers in specialist hospitals, such as the Bir Usta Milad Hospital in Tripoli.

Article 13

States Parties shall take all appropriate measures to eliminate discrimination against women in other areas of economic and social life in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(a) The right to family benefits;

(b) The right to bank loans, mortgages and other forms of financial credit;

(c) The right to participate in recreational activities, sports and all aspects of cultural life.

Reply to article 13

Libyan women enjoy a distinguished economic status, maintaining as they do a financial independence which is neither eliminated nor diminished on marriage. Moreover, in accordance with the Islamic Shariah, the legislator accorded women the competence to dispose of their assets by sale, purchase or gift and use them for investment in development and other projects. He also accorded them the competence to acquire real estate and take out a mortgage. Commercial banks, property banks and development banks employ no form of discrimination when offering loans to citizens, who are all treated on a basis of equality in that connection. Libyan banks do not therefore compile gender-based statistics on the loans which they grant to citizens and do not require the husband to give his consent as a condition of any loan granted to his wife.

Libyan women also enjoy equality in obtaining family benefits without distinction between them and men. The Social Security Act No. 72 of 1973 made provision for women, including:

(a) A basic pension for widows and divorcees with children to support;

(b) A family allowance of four dinars for a wife and one dinar for each male or female child;

(c) Fixed benefits, including a maternity allowance between the fourth month of pregnancy and confinement, as well as a confinement allowance;

(d) An old-age pension, invalidity pension and permanent illness pension, with a set minimum limit of 96 dinars monthly in each case.

There is no discrimination between men and women in connection with practising recreational activities and sports. Sports are guaranteed to all males and females alike in schools, clubs and other public places designated for such recreational activities.

Libyan women have contributed to cultural creativity through activities such as engaging in the popular arts, writing literary articles, acting in the

theatre and working in the press and broadcasting, as well as in news agencies, publishing and official newspaper editing.

Article 14

1. States Parties shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy, and shall take all appropriate measures to ensure the application of the provisions of the present Convention to women in rural areas.

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to each woman the right:

(a) To participate in the elaboration and implementation of development planning at all levels;

(b) To have access to adequate health care facilities, including information, counselling and services in family planning;

(c) To benefit directly from social security programmes;

(d) To obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency;

(e) To organize self-help groups and co-operatives in order to obtain equal access to economic opportunities through employment or self-employment;

(f) To participate in all community activities;

(g) To have access in agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes;

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Reply to article 14

Libyan women were adversely affected by the circumstances attributable to the backwardness imposed on the Libyan Arab people by colonialism and the ensuing spread of illiteracy, particularly among women, as well as by antiquated customs and traditions which obliterated the true role of women in every sphere. The colonialism to which the Libyan Arab people was subjected for a period of over 40 years deprived women of education and offered limited educational opportunities to men only; in most cases, these extended no further than the primary stage in accordance with the Italian curriculum.

The result was to produce a generation of mothers, particularly in the villages, oases and outlying regions, who knew nothing of the principles involved in raising children and taking care of their health, education and nutritional needs. The role of rural women in development, which is no less vital to increasing production and promoting development than the role of men, was similarly obliterated.

With a view to the country's overall development, the general policy followed by the Libyan Arab Jamahiriya emphasized the importance of focusing attention and concern on the development of rural areas; representing 15 per cent of the total population (according to the results of the 1995 population census), rural inhabitants were deprived of even the most basic services for many years before the advent of the Great September Revolution. Particular attention was devoted to spreading education throughout the different rural areas, which represent both the thrust and the instrument of development in terms of preparing qualified personnel to assist in advancing the wheel of social progress.

Efforts were also made to develop town and village social services in the fields of health, family welfare, maternity, childhood, youth and the disabled and eradicate illiteracy among adult farmers and their wives, as well as provide public services to rural areas by linking them up to the electricity grids, connecting them to the drinking water networks and paving their roads.

In an endeavour to ensure the highest possible level of self-sufficiency in agricultural produce with the aim of realizing the general strategy for food security and thereby strengthening political independence, sizeable allocations have been earmarked for development of the agricultural sector. Statistics indicate, however, that the contribution of rural women to this sector is extremely low, since the methods and techniques employed in agricultural work and production have developed in such a way as to diminish the need for the work which could be performed by women in this sector. Moreover, school enrolment among young rural girls has increased, particularly at the intermediate and higher levels, and greater numbers of rural women now wish to work in the education, health and administration sectors.

Based on the declaration of 2 March 1977 establishing the authority of the people, rural women participate on an equal basis with men in formulating and implementing the development plan and preparing programmes for developing their lives and identifying their needs through their membership of the Basic People's Congresses in all towns and villages country-wide.

There is no discrimination of treatment between rural men and women, or between rural and urban women, in obtaining services relating to education, health and social security. Similarly, rural women face no discrimination or obstacles either in connection with obtaining agricultural loans or acquiring and disposing of agricultural land through the usual legal means of sale, purchase, inheritance, gift, apportionment by the State and compensation, or in connection with their membership of agricultural cooperatives.

Table 16 shows the number of short-, medium- and long-term loans granted to male and female farmers during the period 1990-1996.

Table 16

Type of loan	Males	Females	Total
Short-term loans	1,672	26	1,698
Medium-term loans	6,958	262	7,220
Long-term loans	5,163	177	5,340

It is apparent from this table that very few agricultural loans were granted to females during the period 1990-1996 in comparison to the number of loans granted to men. This, however, is not attributable to any kind of discrimination between males and females in the treatment which they receive in that connection. On the contrary, it is attributable to the minimal contribution made to agriculture by rural women and their tendency to seek work in the education, health and administrative sectors.

Rural development centres

It is the general policy of the Libyan Arab Jamahiriya to devote attention to the development of rural women and the achievement of family prosperity, both in the settled areas and in the areas dependant on agricultural activity. Attention is also devoted to the establishment of productive rural communities where there are factors and causes for settlement in that work is fruitful and income levels are higher. In that context, several rural development centres have been established in a number of villages and areas where there are agricultural projects, which in turn organized ongoing training courses, each lasting nine months, for wives and daughters of farmers. Women whose circumstances prevented them from studying in ordinary schools were given priority on these courses.

These training programmes focus on, inter alia, educating young girls using the ordinary school curriculum, eradicating illiteracy among married women in accordance with the education programme for adult females, running a series of health, culture and awareness-raising campaigns throughout the course programme according to a set time schedule, offering vocational training in which embroidery and sewing, first aid and methods of disease prevention are studied, and teaching traditional industries and crafts which rely on local services, such as rug- and carpet-making.

At the end of each course, graduates receive rewards and material incentives, such as sewing machines.

During the year 1985/1986, there were 19 such centres catering for 400 female trainees. In subsequent years, however, these numbers increased to reach a total of 126 centres catering for 4,093 trainees in the year 1992/1993.

As they grew, the rural development centres were converted into vocational training centres in order to train women in highly skilled and mechanized vocations and trades, as well as in other administrative occupations. Initially supervised by the General People's Committee for Agriculture, they were transferred at that point to supervision by the General People's Committee for Vocational Training. According to the most recent statistics, there are 301 vocational training centres and 16,484 female trainees. The type of training in these centres consists of short courses (lasting nine months) specializing in tailoring, dressmaking and traditional industries and handicrafts, such as carpet-making, as well as long courses (spanning a three-year period) specializing in the plastic arts, weaving and computing.

Article 15

1. States Parties shall accord to women equality with men before the law.

2. States Parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity. In particular, they shall give women equal rights to conclude contracts and to administer property and shall treat them equally in all stages of procedure in courts and tribunals.

3. States Parties agree that all contracts and all other private instruments of any kind with a legal effect which is directed at restricting the legal capacity of women shall be deemed null and void.

4. States Parties shall accord to men and women the same rights with regard to the law relating to the movement of persons and the freedom to choose their residence and domicile.

Reply to article 15

Libyan legislative acts guarantee equality between men and women before the law; article 1 of the Strengthening of Freedom Act No. 20 of 1991 stipulates that male and female citizens in the Libyan Arab Jamahiriya are free and equal in rights, which may not be prejudiced, while the Civil Code provides for recognition of the right of all persons before the law. Legal personality consists of name and title, domicile, nationality and the full capacity to exercise civil rights. The right to legal personality is guaranteed to all individuals in society, both men and women, if it is proved that they are fully competent to exercise their civil rights. No one has the right to relinquish such capacity or modify the provisions in that connection. As already mentioned in the reply to article 13, a woman's capacity to exercise her rights is not curtailed by her marriage. She therefore has full freedom to dispose of her private assets by means of purchase, sale, loan or mortgage, as well as full freedom to conclude contracts and administer property, whether individually and directly or whether jointly with other individuals or corporate bodies. She is also under no requirement to obtain prior permission from her husband before engaging in any economic, commercial or financial activity. Any contract aimed at restricting a woman's legal capacity is null and void and without legal effect.

Women are equal with men throughout all stages of litigation and legal proceedings. They may act as judge, plaintiff or defendant and may appoint any male or female attorney to defend their rights. Under the law, their testimony is regarded as equal to that of men.

Concerning equality of rights between men and women in connection with movement and the freedom to choose a residence and domicile, article 3 of the Great Green Charter for Human Rights in the Age of the Masses stipulates that "in peacetime, the individuals in Libyan Arab society have freedom of movement and residence". The place of residence of a married couple is determined by joint agreement between them.

Article 16

1. States Parties shall take all appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular shall ensure, on a basis of equality of men and women:

(a) The same right to enter into marriage;

(b) The same right freely to choose a spouse and to enter into marriage only with their free and full consent;

(c) The same rights and responsibilities during marriage and at its dissolution;

(d) The same rights and responsibilities as parents, irrespective of their marital status, in matters relating to their children; in all cases the interests of the children shall be paramount;

(e) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise these rights;

(f) The same rights and responsibilities with regard to guardianship, wardship, trusteeship and adoption of children, or similar institutions where these concepts exist in national legislation; in all cases the interests of the children shall be paramount;

(g) The same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;

(h) The same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration.

2. The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.

Reply to article 16

Libyan legislative acts emphasize equality between men and women in all human matters. Neither may marry the other against their will or divorce unless backed by a fair trial or unless the man and woman each give their willing consent without a trial.

The Marriage and Divorce Regulations Act No. 10 of 1984 stipulates that eligibility for marriage is acquired on attainment of 20 years of age. It further stipulates that a young girl may not be coerced into marriage against her will and that marriage should involve no compulsion or coercion. A guardian may not therefore prevent his ward from marrying the person whom she wishes to have as her husband.

Under this Act, a wife is plainly entitled to seek divorce by bringing court proceedings if her marriage is unstable. If she is proven to have suffered damage, she is granted a divorce and continues to maintain her full rights, including right of custody, right to the previous marital home for purposes of custody and right to compensation for damage. If the wife wishes to end her marriage and the husband has caused her no damage, or if she is unable to prove that she has suffered damage, she is granted a divorce, but her legitimate rights lapse.

This Act also entitles the wife to seek divorce on grounds of non-maintenance, the disappearance of her husband or a defect in her husband, such as disease, insanity or incapacity. It also gives a mother right of custody over any children, as well as the right to bring them up, the right to non-interference in her private assets, the right to maintenance and the right to have no material or moral harm inflicted on her.

The Great Green Charter for Human Rights in the Age of the Masses adopted by the Basic People's Congresses on 12 June 1988 also emphasizes the importance of the family and equality between men and women in all matters human; article 20 stipulates that: "The individuals in Libyan Arab society affirm that it is a sacred human right to be raised in a cohesive family with a mother, father and siblings. The nature of human beings is such that they thrive only on true maternity and natural breastfeeding. A child should therefore be brought up by his mother." Article 21 of the Charter stipulates that: "The individual men and women in Libyan Arab society are equal in all matters human; any distinction in rights between men and women is grossly unfair and has no justification. They decide that marriage is an equal partnership between two equal parties, neither of whom may marry the other against their will or divorce them without their willing consent or pursuant to a fair trial. Children may not be deprived of their mother and a mother may not be deprived of her home."

The legislator deals fully with the issue of polygamy, which is permitted only within the narrowest scope. Under Libyan legislation, the initial principle is that marriage should be entered into with one woman, with polygamy as the exception. Article 13 of Act No. 15 of 1984 stipulates that a husband has no right to marry another woman without fulfilment of the following two conditions:

(a) He must obtain either the official written consent of the wife over whom he has matrimonial authority or permission from the court;

(b) The husband's social circumstances, health and financial position must be such as to permit polygamy.

Any breach of these two conditions invalidates the contract of marriage.

A married couple is jointly responsible for raising any children, while the decision as to how many children they have should be mutual. Act No. 15 of 1984 stipulates that, following divorce, the father has guardianship of any children, whereas custody is the right of the mother. Following the death of the husband, trusteeship and custody is awarded to the mother.

As already mentioned in the reply to article 15, a woman's marriage does not restrict her competence to dispose of her private assets and administer any real estate acquired during the marriage, nor does it restrict her right to choose employment which suits her or cause her to forfeit her right to keep her father's name. A woman therefore retains her name after marriage and does not take her husband's name. Her inheritance portion is half that received by the man and she is entitled to receive it without being required to undertake any obligations, unlike the man, who is shouldered with the obligation of maintaining his wife and children.